

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN G. BROWN,

Plaintiff,

vs.

EARTH SOUND, INC., a Nebraska  
Corporation; KENNY ENERGY, L.L.C., a  
Nebraska Limited Liability Company; and  
JAMES KENNY,

Defendants.

**4:12CV3001**

**MEMORANDUM AND ORDER**

This case was removed to the Nebraska federal court from the District Court of Red Willow County, Nebraska on January 3, 2012. (Filing No. [1](#)). The defendant's removal filings requested a Lincoln, Nebraska trial location. On July 30, 2012, the court scheduled trial to begin on April 22, 2013 before Senior Judge Warren K. Urbom in Lincoln, Nebraska. (Filing No. [30](#)).

The plaintiff filed an amended complaint on August 17, 2012. The amended complaint requested, for the first time, a North Platte trial location. Citing federal statutes and rules, the plaintiff claims North Platte is the proper venue for this case.

The venue statute and rules cited by the plaintiff govern the proper federal district for litigating a case. Omaha, Lincoln and North Platte are all within the District of Nebraska. Therefore, the plaintiff's request to move the trial location from Lincoln to North Platte does not challenge the venue of the case, but rather the trial location within the Nebraska.

Under this court's local rules, the plaintiff in a removed action may file a written request for a specific trial location within 14 days after service of the notice of removal. NECivR 40.1(b). Plaintiff Brown's motion to change the trial location was filed more than eight months after the case was removed to this federal forum and assigned a Lincoln trial location. Accordingly, the plaintiff's request for a North Platte trial location was untimely filed and will be denied.

Accordingly,

IT IS ORDERED that the plaintiff's motion to transfer this case to the court's North Platte trial location, (Filing No. [30](#)), is denied.

October 11, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge